

## **REMARKS**

Claims 10 and 13 are amended herein. Claims 1, 2, and 5-13 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

### **Claim Objections**

An objection was lodged against claims 10, 11, and 13 for informalities. In response thereto, claims 10 and 13 are amended in a manner believed to obviate this objection in its entirety. Accordingly, removal of this objection is respectfully requested.

### **Section 102 Rejection**

Claims 1, 6, 12, and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,072,289 to Yang (hereinafter “Yang”).

**Yang is not available as prior art.** To expedite prosecution, a declaration under 37 C.F.R. § 131 is filed in a separate paper contemporaneously with this response. The declaration provides sufficient evidence to establish an invention date prior to June 1, 2001 for the subject matter of the currently pending claims. The Declaration also provides sufficient evidence to prove that the due diligence was practiced from at least a time prior to June 1, 2001 to the filing date of the priority application on August 30, 2001. Because Yang was filed on June 1, 2001, it is not available as prior art under 35 U.S.C. § 102(e) against the currently pending claims. Accordingly, removal of this rejection over Yang is respectfully requested.

### **Section 103 Rejection**

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang. Claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of U.S. Patent No. 5,793,318 to Jewett (hereinafter “Jewett”). Claim 10 was rejected under 35

U.S.C. § 103(a) as being unpatentable over Yang, Jewett, and U.S. Patent No. 5,007,088 to Ooi (hereinafter “Ooi”). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang, Jewett, Ooi, and U.S. Patent No. 4,835,517 to Van der Gracht (hereinafter “Van der Gracht”).

As set forth above, the primary reference to Yang is not available as prior art against the pending claims, and specifically independent claim 1 from which claims 2, 5, and 7-11 depend. Accordingly, removal of this rejection is respectfully requested.

### **CONCLUSION**

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed January 23, 2008. In view of the amendments and remarks herein, Applicants assert that pending claims 1, 2, and 5-13 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268.

Respectfully submitted,

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